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3 **UNITED STATES DISTRICT COURT**  
4 **DISTRICT OF NEVADA**

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6 IN RE PATRICIA GARCIA,  
7 Plaintiff,

Case No.: 2:22-cv-00084-JAD-NJK

8 **REPORT AND RECOMMENDATION**

9 On January 14, 2022, Plaintiff filed documents to attempt to initiate this case. Docket No.

10 1. On May 5, 2022, this Court found that Plaintiff had failed to include basic required information  
11 in her initiating documents and ordered her to file a proper complaint no later than June 6, 2022.  
12 Docket No. 2. The Court warned that “failure to comply will result in a recommendation to the  
13 District Judge that this case be dismissed.” *Id.* When the Court’s order was returned as  
14 undeliverable, the Court ordered Plaintiff to file a notice of address change, which she did on June  
15 27, 2022. Docket Nos. 4, 5, 6. On June 28, 2022, the Court again ordered Plaintiff to file a proper  
16 complaint and either pay the filing fee or an application to proceed *in forma pauperis*, no later than  
17 July 28, 2022. Docket No. 7. The Court again warned that “**FAILURE TO COMPLY WITH**  
18 **THIS ORDER MAY RESULT IN DISMISSAL OF THIS CASE.**” *Id.* (emphasis in original).

19 Notwithstanding the Court’s warnings, Plaintiff has failed to comply with the Court’s order. *See*  
20 Docket.

21 This case cannot proceed without Plaintiff filing a proper complaint and either paying the  
22 filing fee or filing a motion to proceed *in forma pauperis*. *See* 28 U.S.C. § 1914(a); *see also* 28  
23 U.S.C. § 1915(a). Having refused to do either in this case, Plaintiff’s complaint is subject to  
24 dismissal. *E.g., Desai v. Biden*, 2021 WL 38169, at \*1 (E.D. Cal. Jan. 5, 2021), *adopted*, 2021  
25 WL 276236 (E.D. Cal. Jan. 27, 2021).

26 Moreover, Plaintiff’s refusal to comply with the Court’s order is an abusive litigation  
27 practice that has interfered with the Court’s ability to hear this case, delayed litigation, disrupted  
28 the Court’s timely management of its docket, wasted judicial resources, and threatened the

1 integrity of the Court's orders and the orderly administration of justice. Sanctions less drastic than  
2 dismissal are unavailable because Plaintiff has refused to comply with the order of this Court  
3 notwithstanding the warning that case-dispositive sanctions may be imposed.

4 The undersigned therefore **RECOMMENDS** that this case be **DISMISSED** without  
5 prejudice.

6 IT IS SO ORDERED.

7 Dated: August 2, 2022.

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10 NANCY J. KOPPE  
11 UNITED STATES MAGISTRATE JUDGE

12 **NOTICE**

13 This report and recommendation is submitted to the United States District Judge assigned  
14 to this case pursuant to 28 U.S.C. § 636(b)(1). A party who objects to this report and  
15 recommendation must file a written objection supported by points and authorities within fourteen  
16 days of being served with this report and recommendation. Local Rule IB 3-2(a). Failure to file  
17 a timely objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951  
18 F.2d 1153, 1157 (9th Cir. 1991).

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